REMARKS

Initially, applicants would like to express their appreciation to the Examiner for again discussing the present application with applicants' representative on June 26, 2006. During the interview, applicants' representative discussed potential claim amendments.

Claims 11 – 18 have been rejected as being indefinite. Claim 11 has been amended to correct the antecedent basis error. Thus, it is requested that the Examiner withdraw the §112 rejections.

The Examiner has rejected claims 1 - 8, 10 – 16, and 18 as being unpatentable over SREEDHARAN et al. in view of SMYK in further view of HEMMADY. Claims 9 and 17 have been rejected as being unpatentable over SREEDHARAN et al. in view of SMYK in further view of HEMMADY in further view of ACHARYA. Applicants respectfully traverse.

The claims have been amended to clarify the limited functionality of the controller and the fact that instructions are sent from the controller to the switch. The switch, which originally forwarded the SVC request to the controller, then sets up the SVC connection in response to the received instructions. Thus, the switch has switching capabilities, as well as the ability to set up SVCs. Furthermore, in claim 1, the switch is now recited as being directly connected to the end system.

In contrast, SREEDHARAN et al. describe an access concentrator 130 that cannot signal for SVCs. A proxy controller 113 is provided to signal on behalf of the functionally limited concentrator. The proxy controller 113 is actually part of an ATM switch in the SREEDHARAN et al. system. Thus, the proxy controller is distinguishable from the claimed controller, which is recited as "non-switching capable." Moreover, SREEDHARAN

et al. do not provide a controller that forwards proxy signals back to the end station connected ATM switch in order to instruct the switch to set up an SVC connection. Rather, SREEDHARAN et al. teaches the proxy controller itself setting up the SVC, at least because the device being proxied for (the concentrator) has no switching capabilities or SVC set up capabilities.

SREEDHARAN et al. actually teach away from sending signaling back to the device connected to the end system. As discussed at col. 5, lines 10 – 22 of SREEDHARAN et al., adding the necessary SVC functions to a concentrator would effectively make the concentrator a mini-switch, which would be a cost prohibitive solution. Accordingly, an SVC capable device would not be substituted for the concentrator. Thus, the proxy controller would never send back instructions to an end station connected device in order to set up an SVC connection.

The Examiner has proposed a combination of SREEDHARAN et al., SMYK et al. and HEMMADY to supply the deficiencies of SREEDHARAN et al. SMYK teaches a failover process for conventional proxy agents. The reference focuses on connecting to another proxy when one proxy fails.

Assuming the references were combined, applicants submit that a proxy controller receiving signals from the end system (via the ATM switch) would still not instruct the concentrator to set up an SVC. The concentrator lacks such capability. The reference states that modifying the concentrator to include the functionality is cost prohibitive, thus teaching away from such a feature. It is believed that the proposed combination would result in the concentrator connecting to a different proxy controller when a first proxy

controller fails.

Although SMYK does disclose the proxy controller signaling to the ATM switch, as noted above, such a feature would be impossible in the system of SREEDHARAN et al. because the concentrator cannot perform SVC signaling. Moreover, an SVC capable element would not replace the concentrator, as it would be "cost prohibitive." Finally, the whole idea of SREEDHARAN et al. is to provide SVC signaling for a network element that does not has such capability. If the network element had the capability, there would be no need for the proxying. The overall objective, as well as the discussion at col. 5 of SREEDHARAN et al., emphatically teach away from any combination that signals back to a end system connected network element to instruct SVC setup. Applicants note that the generic idea of proxy signaling is not being claimed. Rather, specific network elements are being claimed, as is how they interoperate.

The Examiner has argued that intermediate switching nodes 111, 112, 113 are capable of controlling SVCs. However, if the intermediate switching nodes 111, 112, 113 are interpreted to be the claimed ATM switch, other claim limitations are missing. For example, claim 1 recites an ATM switch directly connected to an end system. In contrast, SREEDHARAN et al.'s ATM switches 111, 112, 113 are described as part of the backbone network. The ATM switches 11, 112, 113 are not directly connected to an end system. The access concentrator of SREEDHARAN et al. is the network element connected to the end systems. HEMMADY does not supply the deficiencies of the other references.
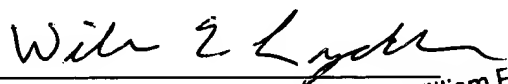
Consequently, for at least these reasons it is requested that the Examiner withdraw the rejections of the independent claims and provide an indication of their allowability.
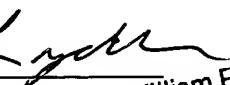
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Dependent claims 2 - 10 and 11 - 18 are also believed to recite further patentable subject matter of the invention and therefore are also believed allowable over the prior art. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claims, in addition to reasons related to their own recitations.

Accordingly, applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

Should the Examiner have any questions or comments regarding this Amendment, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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